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Attorneys for Defendant Scholastic Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MICHAEL YAMASHITA
and MICHAEL YAMASHITA, INC.,

Plaintiffs,

V.

SCHOLASTIC INC.,

Defendant.

Civ. No. 2:16-cv-03839 (SRC)(CLW)

**NOTICE OF MOTION TO DISMISS
OR, IN THE ALTERNATIVE,
TO TRANSFER VENUE**

On Notice to:

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Attorneys for Plaintiff

PLEASE TAKE NOTICE that on October 17, 2016, or as soon thereafter a counsel may be heard, Lowenstein Sandler LLP, attorneys for Defendant Scholastic Inc., will move before the Honorable Stanley R. Chesler for an Order dismissing Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, transferring this action to the Southern District of New York pursuant to 28 U.S.C. § 1404(a).

PLEASE TAKE FURTHER NOTICE that Defendant shall rely upon the accompanying Memorandum of Law in support of its Motion, as well as the accompanying Declaration of Edward H. Rosenthal, Esq.

PLEASE TAKE FURTHER NOTICE that proposed forms of Order are submitted herewith.

PLEASE TAKE FURTHER NOTICE that Defendant respectfully requests oral argument.

Dated: September 14, 2016

By: /s/ Robert J. Kipnees
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